

# NORTH CAROLINA GENERAL ASSEMBLY

## LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH, NC 27601



August 23, 2012

Updated and Corrected September 18, 2012

Senator Tom Apodaca  
Chairman  
Legislative Research Commission  
North Carolina State Senate  
16 W. Jones Street, Room 2010  
Raleigh, NC 27601-2808

Representative Tim Moore  
Chairman  
Legislative Research Commission  
North Carolina House of Representatives  
16 W. Jones Street, Room 1326  
Raleigh, NC 27601-2808

Dear Senator Apodaca and Representative Moore:

Pursuant to G.S. 120-30.13, as enacted in Section 66.7(b) of S.L. 2012-194, Senator Apodaca is designated as the Senate Cochair of the 2011-2012 Legislative Research Commission ("Commission"). Representative Moore is designated as the House Cochair of the Commission.

As you prepare your agenda for the Commission, pursuant to G.S. 120-30.17, we authorize the Commission to appoint the following Study Committees and Advisory Subcommittees to study the following matters and to refer one study to a state agency. The Cochairs and appointees to each Committee are also identified. Please restrict each study committee and advisory subcommittee to a maximum of four meetings unless additional meetings are pre-approved by our offices.

### Authorized Joint Study Committees:

**Pathological Materials** – The LRC Study Committee on Pathological Materials shall study the issue of access by patients to pathological materials requested by a patient for the purpose of additional medical treatment evaluation or the evaluation of any legal rights of the patient. Specifically, the Committee shall consider:

1. State and federal laws and regulations that govern the administration, operation and certification of pathology laboratories;
2. State and federal laws that govern the maintenance and production of a patient's medical records;
3. Appropriate changes in state law that ensure patient access to pathological materials that are needed to obtain and evaluate the patient's medical needs and legal rights while also balancing pathology laboratories' duties to comply with federal and state licensure laws and regulations, patient care responsibilities, risk management obligations, and other relevant issues;
4. The impact of any state law change on the medical research industry including: pharmaceutical companies; government research institutions; and other industries dependent upon information obtained from pathological materials.

While conducting this study the Committee shall consult:

1. Persons who serve as advocates for patients who have requested pathological materials;
2. Patients who have requested pathological materials from health care providers;
3. Representatives of hospitals responsible for the management of pathology laboratories;
4. Pathologists responsible for the management of pathology laboratories;
5. Persons responsible for providing legal advice to managers of pathology laboratories; and
6. Any other person or persons the Committee deems appropriate.

Senate Members		House Members	
Sen. Goolsby	Chair	Rep. Murray	Chair
Sen. Brunstetter	Member	Rep. Brisson	Member
Sen. Brock	Member	Rep. Jones	Member
Sen. Pate	Member	Rep. McGrady	Member
Sen. Purcell	Member	Rep. Stevens	Member

**Contingency Fee Audits** – The LRC Study Committee on Contingency Fee Audits shall study issues relating to the use of contingent fee-based contracts by the State Treasurer for purposes of unclaimed property audits, and by counties and municipalities for tax audit or assessment purposes.

Senate Members		House Members	
Sen. Gunn	Chair	Rep. Stam	Chair
Sen. Brown	Member	Rep. Brown	Member
Sen. Clodfelter	Member	Rep. Burr	Member
Sen. Hise	Member	Rep. McCormick	Member
Sen. Hartsell	Member	Rep. Wray	Member

**Career and Technical Education** – The LRC Study Committee on Career and Technical Education shall study the following aspects of the current State vocational training to improve the quality and relevance of training, align basic education and vocational and higher education training and ensure that students who are not college bound are career ready. Specifically, the Committee shall study the following:

1. The requirements and challenges North Carolina high school graduates face in today's changing and demanding job market. The study should include a review of what North Carolina industries look for in well-qualified candidates for employment as it pertains to education, certification, and skill level;
2. The Career and College Promise program, specifically the Career and Technical Education Pathway and the Cooperative Innovative High School Pathway, to determine if the program is meeting the unique needs of students seeking to enter the workforce after completing high school. The study should include a review of the career clusters and pathways, work-based learning, career academies, time-shortened programs, and certification and credentialing offered to determine if they meet the current needs of North Carolina's students and business community. The study should also examination current outreach and practices to raise student awareness of Career and Technical Education opportunities;
3. Progress in developing regional schools through S.L. 2011-241 which authorized local boards of education to jointly establish a regional school to serve enrolled students in two or more local school administrative units that will expand student opportunities for educational success through high quality instructional programming;
4. Article 10 of Chapter 115C of the North Carolina General Statutes as it pertains to vocational and technical education to determine if modification is necessary to best reflect the intent of the General Assembly and provide the necessary opportunities and flexibility to establish innovative learning environments that provide students with practical work experiences and vocational skills;
5. Additional, cost-effective ways in which the Department of Public Instruction, North Carolina Community College System, and the business community can partner to offer enriched educational opportunities for students to enter the workforce with academic and marketable vocational skills after completing high school;
6. Potential legislative actions to further enhance connecting career technical education to education, workforce preparation, and economic development through innovative schools and high academic standards;
7. Any other issues associated with Vocational education deemed appropriate by the Committee.

<b>Senate Members</b>		<b>House Members</b>	
Sen. Brown	Co-Chair	Rep. Holloway	Chair
Sen. Tillman	Co-Chair	Rep. Blackwell	Member
Sen. <u>Hise Tucker</u>	Member	Rep. Blust	Member
Sen. McKissick	Member	Rep. Cotham	Member
Sen. Soucek	Member	Rep. Langdon	Member

**Digital Learning Environments in Public Schools** – The LRC Study Committee on Digital Learning Environments in Public Schools shall study the following:

1. Available forms of digital learning environments in public schools by comparing the cost, infrastructure, technology, maintenance, usability, savings, effectiveness and demonstrated student outcomes associated with various digital learning models found in North Carolina as well as other states like Florida, Arizona, California, Maine, and Texas.
2. Parts 3 and 3A of Article 8 of Chapter 115C of the North Carolina General Statutes as they pertain to school technology to determine if modifications are necessary to best reflect the intent of the General Assembly and provide the necessary opportunities and flexibility to establish digital learning environments in public schools.
3. Viable, cost-effective ways in which the Department of Public Instruction and local school administrative units can offer enriched educational opportunities to students through the use of digital learning tools such as laptops, handheld devices, digital textbooks, and other digital content.

Senate Members		House Members	
Sen. Soucek	Chair	Rep. Horn	Chair
Sen. Carney	Member	Rep. L. Johnson	Member
Sen. Graham	Member	Rep. Lucas	Member
Sen. Hise	Member	Rep. Saine	Member
Sen. Rucho	Member	Rep. H. Warren	Member
Sen. Nesbitt	Member	Rep. Brandon	Member

**Authorized Joint Advisory Subcommittees:**

**Wetland and Stream Mitigation** – The LRC Advisory Subcommittee on Wetland and Stream Mitigation shall study issues related to the overall policies and roles of agencies within State government, the federal government, and the private sector to plan, construct and monitor wetland and stream mitigation. The Advisory Subcommittee may specifically study the following items:

1. The process for annual adjustments of Ecosystem Enhancement Program fees, including whether the use of the Civil Works Construction Cost Index System published by the U.S. Army Corps of Engineers as a basis for fee escalation is necessary given the past direction of the General Assembly to base program fees on actual costs;
2. Whether compensatory mitigation should be allowed any hydrologic area located in the same river basin as the site being mitigated. For purposes of this study, the terms "compensatory mitigation" and "hydrologic area" are as defined in G.S. 143-214.11;

3. Whether the compensatory mitigation fee payment system represents the most efficient and effective way to provide compensatory mitigation and how the program could be revised to lessen its economic impact on the State's businesses and industries;
4. Whether the State should withdraw from the Memorandum of Agreement between the U.S. Department of Environment and Natural Resources, the U.S. Department of Transportation, and the U.S. Army Corps of Engineers, which established the Ecosystem Enhancement Program in 2003;
5. Whether the North Carolina Department of Transportation should purchase its stream and wetland mitigation credits from an approved mitigation bank within the private sector where available;
6. Whether the State should consider assuming the Clean Water Act Section 404 permitting role from the federal government;
7. Whether the mitigation projects overseen by the North Carolina Department of Transportation, Natural Systems Unit have been effective and cost efficient;
8. Whether the North Carolina Department of Environment and Natural Resources' internal review process of stream and wetland mitigation projects designed, stamped, and signed by a licensed professional engineer is necessary and/or appropriate;
9. Any other issues associated with stream and wetland mitigation deemed appropriate by the Committee.

<b>Senate Appointees</b>		<b>House Appointees</b>	
Sen. Jackson	Chair	Rep. Lewis	Chair
Sen. Daniel	Member	Rep. Hastings	Member
Sen. Harrington	Member	Rep. Iler	Member
Sen. Rabon	Member	Rep. R. Moore	Member
Sen. Walters	Member	Rep. T. Moore	Member
Butch Smith, General Manager, Cleveland County Water	Member	Christopher A. Huysman, Engineer	Member
Dr. Curtis J. Richardson, Professor, Duke University Nicholas School of the Environment	Member	David N. Levinson, Developer	Member

**Authorized House Advisory Subcommittees:**

**Age of Juvenile Offenders** – The LRC Study Committee on the Age of Juvenile Offenders shall study North Carolina's current juvenile justice system and identify reforms that may reduce long-term recidivism. Specifically, the Committee shall study:

1. What juvenile justice reforms are needed to implement the proposal in Senate Bill 434, Edition 3, for raising the age for misdemeanors;

2. Evidence-based models for reducing juvenile recidivism, such as the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation, including models to reduce inappropriate or unnecessary use of secured detention;
3. How best to reserve secure facilities for the most troubled youth. This shall include assessing the recidivism rates and costs and benefits of alternatives to placement programs in the juvenile justice system, such as electronic monitoring;
4. Best practices among community-based programs, such as the Juvenile Crime Prevention Council System, that utilize evidence-based programs to reduce youth recidivism;
5. How to prepare local prisons for implementation of Department of Justice regulations related to the Prison Rape Elimination Act of 2003, P.L. 108-79, including ensuring that all youth under the age of 18 are held separately from adults.

Rep. Avila	Chair
Rep. Blust	Member
Rep. Boles	Member
Rep. Hall	Member
Rep. Jackson	Member
Rep. Lewis	Member
Judge Marcia Morey	Member
Eddie Caldwell	Member
Frank Plumbo	Member
Seth Edwards	Member

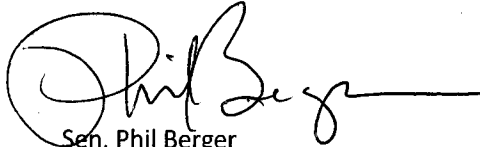
**Referral of Studies to State Agencies:**

**Resource Extraction and Renewable Energy** – Pursuant to G.S. 120-30.17(9), the Commission directs the University of North Carolina at Charlotte ("UNC-C") and the North Carolina Agricultural and Technical State University ("NC A&T") to draft plans for the creation of a collaborative engineering program in resource extraction and renewable energy. The immediate focus of the collaborative program will be natural gas extraction, nuclear reactor maintenance and design, and wind, geothermal, and solar power systems design. UNC-C and NC A&T shall submit a proposed implementation timetable and associated costs to the Commission no later than January 4, 2013.


We will look forward to reviewing the Commission's report regarding the study results, as well as any recommended legislation, prior to dissolution of the Commission on January 15, 2013 pursuant to G.S. 120-30.11. Please let us know if we or our staff may be of assistance.

Thank you for your service.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Berger", with a long horizontal flourish extending to the right.

Sen. Phil Berger  
President Pro Tempore of the Senate

A handwritten signature in black ink, appearing to read "Thom Tillis", with a long horizontal flourish extending to the right.

Rep. Thom Tillis  
Speaker of the House of Representatives

Cc: George Hall, Legislative Services Officer